

Remarks

I. Status

Claims 23-26 and 29-56 are presently pending.

II. The Rejection of Claims 23-26 and 29-56 Pursuant To The Judicially Created Doctrine Of Obviousness-Type Double Patenting

Claims 23-26 and 29-56 have been rejected pursuant to the judicially created doctrine of obviousness-type double patenting in light of claims 1-45 of U.S. Patent No. 6,326,468 and claims 27 and 29-60 of co-pending Patent Application Serial No. 09/987,655, in view of Barstow *et al.* (U.S. Patent No. 5, 064,940). Applicants respectfully traverse the rejection and request reconsideration.

Applicants respectfully draw the Examiner's attention to the fact that the present application is a divisional application of U.S. Patent Appln. Serial No. 09/097,094, which issued as U.S. Patent No. 6,326,468. As the Examiner will note, the claims of the '094 application were subjected to a three way restriction requirement in which claims to methods, kits and apparatus were determined to be directed to separate and distinct inventions. A copy of the Restriction Requirement is enclosed for the Examiner's convenience. In response to the Restriction Requirement, Applicants elected to pursue method claims in U.S. Patent Appln. Serial No. 09/097,094, and filed the present application (directed to kits) and Patent Application Serial No. 09/987,655 (directed to apparatus). Applicants accordingly submit that a rejection pursuant to the judicially created doctrine of obviousness-type double patenting in light of U.S. Patent No. 6,326,468 or U.S. Patent Application Serial No. 09/987,655 is barred by 35 U.S.C. §121, and that the rejection may therefore be properly withdrawn.

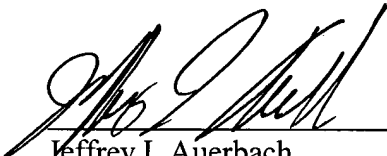
III. Concluding Remarks

Having now fully responded to all outstanding rejections, Applicants respectfully submit that the present application is in condition for Allowance, and earnestly solicit early notice of such favorable action. The Examiner is respectfully invited to contact the undersigned with respect to any issues regarding this application.

Respectfully Submitted,

Date:

7/1/04
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